

ROBERT W. LYONS (45548)

LAW OFFICES OF ROBERT W. LYONS
295 West Winton Avenue
Hayward, California 94544
Telephone (510) 782-6161
Facsimile (510) 782-3519

EXHIBIT 1

Attorney for Jennipher Hernandez

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JENNIPHER HERNANDEZ,

Defendant.

Case No.: 11-CR-00217 DLJ

**STIPULATION AND ORDER
TO CONTINUE STATUS CONFERENCE
AND EXCLUSION OF TIME UNDER THE
SPEEDY TRIAL ACT [18 U.S.C. §3161]**

The parties by and through their counsel of record, hereby stipulate to the following: The parties have jointly agreed that the current status conference hearing date of Thursday, February 7, 2013 be continued to Thursday, February 28, 2013 at 9:00 a.m. The reason for this continuance is that defense counsel and Assistant United States Attorney, Tom OConnell need additional time for further investigation and are in the process of trying to resolve the case. In addition, Mr. OConnell is out of town until February 12, 2013.

For the factual reason above, the parties agree that the time between February 7, 2013 and February 28, 2013 shall be excludable from the Speedy Trial Act requirements of Title 18, United States Code, Sections 3161 (h)(7)(A) and 3161(h)(7)(B)(iv).

The parties agree that the time is excludable in that the ends of justice served by granting the continuance of the status conference to February 28, 2013 outweigh the best interests of the public and the defendant in a speedy trial. The parties agree that a continuance

1 of the status conference to February 28, 2013 is necessary to ensure both effective case
2 preparation and the availability of defense counsel, and denial of such a continuance would
3 unreasonably deny defendant effective case preparation and continuity of counsel pursuant to
4 18 U.S.C. §§3161(h)(7)(A) and 3161(h)(7)(B)(iv).

5
6 Date: February 6, 2013

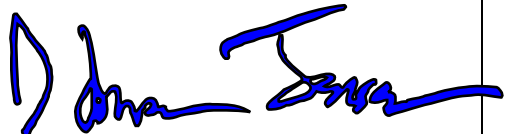
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8 /s/Robert W. Lyons
9 Robert W. Lyons
Attorney for Jennipher Hernandez

10 Date: February 6, 2013

11 /s/Thomas M. OConnell
12 Thomas M. OConnell
Assistant United States Attorney

13 **IT IS SO ORDERED.**

14 Date: GDH

15 
16 Honorable D. Lowell Jensen
United States District Judge